

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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METLIFE LIFE AND ANNUITY COMPANY  
OF CONNECTICUT,

Civil Action No.  
07 CIV 7215  
(Karas, J.)

Plaintiff,

-against-

**ANSWER AND  
CROSS-CLAIMS**

ANA NICOLE DELIO; ZACHARY FARRELL SOBIE;  
BRIAN SOBIE, Individually, as Trustee of  
the ZACHARY FARRELL SOBIE GRANDCHILD  
TRUST, and as Co-Trustee of the ANA  
NICOLE DELIO GRANDCHILD TRUST; and  
MICHAEL MENDELSON as co-Trustee of  
the ANA NICOLE DELIO GRANDCHILD TRUST,

**SOBIE DEFENDANTS  
DEMAND TRIAL BY  
JURY OF ALL ISSUES.**

Defendants.

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Defendants ZACHARY FARRELL SOBIE and BRIAN SOBIE,  
individually, and in his capacity as Trustee, allege for their  
answer to the Complaint and Cross-Claims herein by their  
attorneys, NOEL W. HAUSER AND ASSOCIATES, the following:

1. Answering defendants deny any knowledge or information  
sufficient to form a belief as to the allegations contained in  
paragraphs numbered 9, 11, 14 and 15 of the Complaint.

2. Answering defendants deny the allegations contained in  
paragraphs numbered 17 and 18 of the Complaint.

3. As to paragraph 10 of the Complaint, answering defendants beg leave to refer to the document therein described upon the trial of this action to establish its contents.

**AS AND FOR A FIRST, SEPARATE AND  
AFFIRMATIVE CROSS-CLAIM OF BRIAN SOBIE  
AGAINST THE CO-DEFENDANTS ANA NICOLE DELIO  
AND MICHAEL MENDELSON AS CO-TRUSTEE**

4. This Honorable Court has jurisdiction over the cross-claims of defendant BRIAN SOBIE hereinafter set forth pursuant to Fed. R. Civ. Pr. 13(g).

5. On or about April 2, 2002, the decedent ESTELLE SOBIE executed a Last Will and Testament revoking all prior testamentary instruments.

6. Concurrently with the execution of her Last Will and Testament, the decedent ESTELLE SOBIE, signed a Change-of-Beneficiary form relating to the Annuity Contract described in the Complaint, wherein and whereby she designated ANA NICOLE DELIO, ZACHARY FARRELL SOBIE and BRIAN SOBIE as beneficiaries thereunder to receive in equal shares the proceeds intending thereby to supersede her earlier designation of beneficiaries.

7. By the initiation of this action of interpleader and under the allegations of the Complaint submitted to the Court, the plaintiff has no interest, or has waived any interest in the identity of to whom the annuity referred to in the Complaint shall be paid.

8. Defendant and Cross-Claimant Brian Sobie has no adequate remedy at law.

**WHEREFORE**, defendant and cross-claimant BRIAN SOBIE (and ZACHARY FARRELL SOBIE) pray for declaratory judgment that BRIAN SOBIE is entitled to one-third of the proceeds of the annuity policy referred to in the Complaint.

**DATED: NEW YORK, NEW YORK**  
**August 20, 2007**

Yours, etc.,

**NOEL W. HAUSER AND ASSOCIATES**  
**Attorneys for Answering Defendants**  
**Office and P. O. Address**  
**270 Madison Avenue**  
**New York, New York 10016**  
**212 688-6400**

**TO:**  
**ALVIN PASTERNAK, ESQ.**  
**PATRICIA CURRAN REINHARDT, ESQ.**  
**Attorneys for Plaintiff**  
**27-01 Queens Plaza North**  
**Long Island City, New York 11101**

**ANA NICOLE DELIO**  
**Defendant**  
**3 Washington Square, Apt. 6A**  
**Larchmont, New York 10538**

**MR. MICHAEL MENDELSON**  
**Defendant**  
**40 West Garden Road**  
**Larchmont, New York 10538**

JAMES R. CARCANO, ESQ.  
15 Hudson Place  
Larchmont, New York 10538

AFFIDAVIT OF SERVICE

STATE OF NEW YORK       )  
                                  ) ss.:  
COUNTY OF NEW YORK     )

ESTELLE GINSBERG, being duly sworn, deposes and says:

I am not a party to the action, am over 18 years of age, and reside at New York City, New York.

On August 21, 2007, I served a true copy of the annexed ANSWER AND CROSS-CLAIMS in the following manner: by mailing the same in a properly addressed sealed envelope with postage prepaid thereon in an official depository of the United States Post Office within the State of New York, addressed to the last known address of the addressees as indicated below:

ALVIN PASTERNAK, ESQ.  
PATRICIA CURRAN REINHARDT, ESQ.  
27-01 Queens Plaza North  
Long Island City, New York 11101

ANA NICOLE DELIO  
3 Washington Square, Apt. 6A  
Larchmont, New York 10538

MR. MICHAEL MENDELSON  
40 West Garden Road  
Larchmont, New York 10538

JAMES R. CARCANO, ESQ.  
15 Hudson Place  
Larchmont, New York 10538

/s/ \_\_\_\_\_  
Estelle Ginsberg

Sworn to before me this  
21<sup>st</sup> day of August, 2007

/s/ \_\_\_\_\_  
Notary Public